

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the matter of the Termination of  
Electric Service where Life Support  
Equipment is used: MITSUE IOANE  
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DOCKET NO. 06-035-71

REPORT AND ORDER

ISSUED: July 27, 2006

By The Commission:

This matter came on for hearing before the Commission's Administrative Law Judge on July 20, 2006. Petitioner PacifiCorp, dba Rocky Mountain Power, was represented by Prestine Tafoya. Respondent Mitsue Ioane failed to appear.

At hearing, Petitioner stated it had entered into three payment plans with Respondent beginning in 2005 but that Respondent had defaulted on each. Nonetheless, Petitioner is willing to enter into another payment plan with Respondent to avoid termination of Respondent's electric service. Petitioner offers a twenty-four month payment plan requiring Respondent to pay \$31.00 per month toward the past due balance on the account, plus, at Respondent's option, either (1) a monthly equal time payment equal to Respondent's \$100.00 average monthly bill (resulting in a total payment of \$131.00 per month), or (2) Respondent's monthly billing based on actual usage. Petitioner also agrees to waive interest accrual on the account balance going forward.

Petitioner will contact Respondent to offer these payment plan options, but, based on Respondent's payment history, continues to seek authorization to terminate Respondent's service should Respondent fail to enter into or comply with the terms of any payment plan going forward.

Therefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Petitioner shall contact Respondent and offer the payment plans as outlined above.
2. Respondent is directed to pursue assistance from the HEAT program, Red Cross, and other available assistance programs. If lump sum payments are made to Petitioner from any assistance program, these payments shall be applied to the then-outstanding arrearage and will not affect the monthly payment amounts agreed to in accordance with this Report and Order.
3. If Respondent enters into a payment agreement, Petitioner agrees and is ordered to waive all interest accruing on Respondent's account going forward from the date of the agreement so long as Respondent continues to comply with all other terms of this Order.
4. If Respondent fails to enter into a payment agreement with Petitioner, or fails to make any scheduled payment pursuant to an agreed payment plan on or before the due date, Petitioner shall have the right to disconnect service to Respondent's residence in accordance with Petitioner's regulations and tariff provisions and the applicable rules and regulations of the Commission, without seeking further approval from the Commission, notwithstanding the fact that a resident at Respondent's residence may be using life-support equipment.
5. At least 48 hours prior to terminating said service, Petitioner shall notify the appropriate Utah State social services agencies of this Order and the pending termination.

DOCKET NO. 06-035-71

-3-

6. Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 27<sup>th</sup> day of July, 2006.

/s/ Steven F. Goodwill  
Administrative Law Judge

Approved and Confirmed this 27<sup>th</sup> day of July, 2006, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#49833